

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:17-cv-05514-GBD-GWG**

American Civil Liberties Union v. Department of Health & Human Services et al
Assigned to: Judge George B. Daniels
Referred to: Magistrate Judge Gabriel W. Gorenstein
Cause: 05:552 Freedom of Information Act

Date Filed: 07/20/2017
Date Terminated: 05/01/2019
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**American Civil Liberties Union**

represented by **Joshua Abraham Block**
American Civil Liberties Union (NYC)
125 Broad Street, 18th Floor
New York, NY 10004
212-549-2593
Fax: 212-549-2650
Email: jblock@aclu.org
ATTORNEY TO BE NOTICED

V.

Defendant

Department of Health and Human Services
TERMINATED: 05/01/2019

represented by **Michael James Byars**
U.S. Attorney's Office, SDNY (Chambers Street)
86 Chambers Street
New York, NY 10007
(212) 637-2793
Fax: (212) 637-2717
Email: michael.byars@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Department of Justice
TERMINATED: 05/01/2019

represented by **Michael James Byars**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Department of the Treasury
TERMINATED: 05/01/2019

represented by **Michael James Byars**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Department of Labor
TERMINATED: 05/01/2019

represented by **Michael James Byars**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/20/2017	<u>1</u>	COMPLAINT against Department of Health & Human Services, Department of Justice, Department of Labor, Department of the Treasury. (Filing Fee \$ 400.00, Receipt Number 0208-13920320)Document filed by American Civil Liberties Union.

		(Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit)(Block, Joshua) (Entered: 07/20/2017)
07/20/2017	<u>2</u>	FILING ERROR – DEFICIENT PLEADING –PDF ERROR CIVIL COVER SHEET filed. (Attachments: # <u>1</u> Civil Cover Sheet)(Block, Joshua) Modified on 7/21/2017 (rch). (Entered: 07/20/2017)
07/20/2017	<u>3</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by American Civil Liberties Union.(Block, Joshua) (Entered: 07/20/2017)
07/20/2017	<u>4</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Department of Justice, re: <u>1</u> Complaint,. Document filed by Department of Justice. (Block, Joshua) (Entered: 07/20/2017)
07/20/2017	<u>5</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Department of Health and Human Services, re: <u>1</u> Complaint,. Document filed by Department of Health & Human Services. (Block, Joshua) (Entered: 07/20/2017)
07/20/2017	<u>6</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Department of Labor, re: <u>1</u> Complaint,. Document filed by Department of Labor. (Block, Joshua) (Entered: 07/20/2017)
07/20/2017	<u>7</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Department of the Treasury, re: <u>1</u> Complaint,. Document filed by Department of the Treasury. (Block, Joshua) (Entered: 07/20/2017)
07/21/2017		***NOTICE TO ATTORNEY REGARDING DEFICIENT CIVIL COVER SHEET. Notice to attorney Joshua Abraham Block to RE-FILE Document No. <u>2</u> Civil Cover Sheet. The filing is deficient for the following reason(s): only the Civil Cover Sheet should be filed under the event Civil Cover Sheet with no attachments;. Re-file the document using the event type Civil Cover Sheet found under the event list Other Documents and attach the correct PDF. Use civil cover sheet issued by S.D.N.Y. dated June 2017. The S.D.N.Y. Civil Cover Sheet dated June 2017 is located at http://nysd.uscourts.gov/file/forms/civil-cover-sheet.. (rch) (Entered: 07/21/2017)
07/21/2017		***NOTICE TO ATTORNEY REGARDING CIVIL. CASE OPENING STATISTICAL ERROR CORRECTION: Notice to attorney Joshua Abraham Block. The following case opening statistical information was erroneously selected/entered: Jurisdiction code 3 (Federal Question);. The following correction(s) have been made to your case entry: the Jurisdiction code has been modified to 2 (U.S. Government Defendant);. (rch) (Entered: 07/21/2017)
07/21/2017		***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Joshua Abraham Block. The party information for the following party/parties has been modified: American Civil Liberties Union, Department of Health & Human Services. The information for the party/parties has been modified for the following reason/reasons: party role was entered incorrectly; party name entered incorrectly, address shown on docket. (rch) (Entered: 07/21/2017)
07/21/2017	<u>8</u>	ELECTRONIC SUMMONS ISSUED as to Department of Justice, U.S. Attorney and U.S. Attorney General. (rch) (Entered: 07/21/2017)
07/21/2017	<u>9</u>	ELECTRONIC SUMMONS ISSUED as to Department of Health and Human Services, U.S. Attorney and U.S. Attorney General. (rch) (Entered: 07/21/2017)
07/21/2017	<u>10</u>	ELECTRONIC SUMMONS ISSUED as to Department of Labor, U.S. Attorney and U.S. Attorney General. (rch) (Entered: 07/21/2017)
07/21/2017	<u>11</u>	ELECTRONIC SUMMONS ISSUED as to Department of the Treasury, U.S. Attorney and U.S. Attorney General. (rch) (Entered: 07/21/2017)
07/21/2017		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge George B. Daniels. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . Attorneys are responsible for providing

		courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (rch) (Entered: 07/21/2017)
07/21/2017		Magistrate Judge Gabriel W. Gorenstein is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (rch) (Entered: 07/21/2017)
07/21/2017		Case Designated ECF. (rch) (Entered: 07/21/2017)
07/21/2017	<u>12</u>	CIVIL COVER SHEET filed. (Block, Joshua) (Entered: 07/21/2017)
07/24/2017	<u>13</u>	INITIAL PRETRIAL CONFERENCE: Initial Conference set for 10/3/2017 at 09:30 AM in Courtroom 11A, 500 Pearl Street, New York, NY 10007 before Judge George B. Daniels, as further set forth in this order. (Signed by Judge George B. Daniels on 7/24/2017) (jwh) (Entered: 07/24/2017)
08/01/2017	<u>14</u>	SUMMONS RETURNED EXECUTED. Department of Justice served on 7/31/2017, answer due 8/21/2017. Service was made by Mail. Document filed by American Civil Liberties Union. (Block, Joshua) (Entered: 08/01/2017)
08/01/2017	<u>15</u>	SUMMONS RETURNED EXECUTED. Department of Health and Human Services served on 7/31/2017, answer due 8/21/2017. Service was made by Mail. Document filed by American Civil Liberties Union. (Block, Joshua) (Entered: 08/01/2017)
08/01/2017	<u>16</u>	SUMMONS RETURNED EXECUTED. Department of Labor served on 7/28/2017, answer due 8/18/2017. Service was made by Mail. Document filed by American Civil Liberties Union. (Block, Joshua) (Entered: 08/01/2017)
08/01/2017	<u>17</u>	SUMMONS RETURNED EXECUTED. Department of the Treasury served on 7/31/2017, answer due 8/21/2017. Service was made by Mail. Document filed by American Civil Liberties Union. (Block, Joshua) (Entered: 08/01/2017)
08/17/2017	<u>18</u>	LETTER MOTION for Extension of Time to File Answer <i>or otherwise respond to the complaint, and to adjourn the October 3, 2017 initial conference</i> addressed to Judge George B. Daniels from AUSA Michael J. Byars dated August 17, 2017. Document filed by Department of Health and Human Services, Department of Justice, Department of Labor, Department of the Treasury.(Byars, Michael) (Entered: 08/17/2017)
08/22/2017	<u>19</u>	ORDER granting <u>18</u> Letter Motion for Extension of Time to Answer: SO ORDERED. The conference is adjourned to November 7, 2017 at 9:30. (Department of Health and Human Services answer due 9/20/2017; Department of Justice answer due 9/20/2017; Department of Labor answer due 9/20/2017; Department of the Treasury answer due 9/20/2017.) (Signed by Judge George B. Daniels on 8/22/2017) (jwh) (Entered: 08/22/2017)
08/22/2017		Set/Reset Hearings: Initial Conference set for 11/7/2017 at 09:30 AM before Judge George B. Daniels. (jwh) (Entered: 08/22/2017)
08/22/2017	<u>20</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement), Settlement, and Dispositive Motion (i.e., motion requiring a Report and Recommendation: All such motions). Referred to Magistrate Judge Gabriel W. Gorenstein. (Signed by Judge George B. Daniels on 8/22/2017) (jwh) (Entered: 08/22/2017)
08/24/2017	<u>21</u>	ORDER: In light of the referral of this action to Magistrate Judge Gorenstein, the conference currently scheduled for November 7, 2017 is adjourned to March 6, 2018 at 9:45 AM. (Signed by Judge George B. Daniels on 8/24/2017) (jwh) (Entered: 08/24/2017)
08/24/2017		Set/Reset Hearings: Initial Conference set for 3/6/2018 at 09:45 AM before Judge George B. Daniels. (jwh) (Entered: 08/24/2017)

09/15/2017	<u>22</u>	SECOND LETTER MOTION for Extension of Time <i>to respond to the complaint</i> addressed to Magistrate Judge Gabriel W. Gorenstein from AUSA Michael J. Byars dated September 15, 2017. Document filed by Department of Health and Human Services, Department of Justice, Department of Labor, Department of the Treasury.(Byars, Michael) (Entered: 09/15/2017)
09/15/2017	<u>23</u>	ORDER: granting <u>22</u> Letter Motion for Extension of Time. Granted. SO ORDERED. (Signed by Magistrate Judge Gabriel W. Gorenstein on 9/15/2017) (ama) (Entered: 09/15/2017)
09/15/2017		Set/Reset Deadlines: Department of Health and Human Services answer due 10/20/2017; Department of Justice answer due 10/20/2017; Department of Labor answer due 10/20/2017; Department of the Treasury answer due 10/20/2017. (ama) (Entered: 09/15/2017)
10/20/2017	<u>24</u>	ANSWER to <u>1</u> Complaint,. Document filed by Department of Health and Human Services, Department of Justice, Department of Labor, Department of the Treasury.(Byars, Michael) (Entered: 10/20/2017)
10/23/2017	<u>25</u>	ORDER FOR CONFERENCE PURSUANT TO RULE 16: Initial Conference set for 11/7/2017 at 02:15 PM in Courtroom 6B, United States Courthouse, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Gabriel W. Gorenstein. (Signed by Magistrate Judge Gabriel W. Gorenstein on 10/23/2017) (mro) Modified on 10/23/2017 (mro). (Entered: 10/23/2017)
11/02/2017	<u>26</u>	JOINT LETTER MOTION to Adjourn Conference addressed to Magistrate Judge Gabriel W. Gorenstein from Joshua A. Block dated November 2, 2017. Document filed by American Civil Liberties Union.(Block, Joshua) (Entered: 11/02/2017)
11/02/2017	<u>27</u>	ORDER granting <u>26</u> Letter Motion to Adjourn Conference. The initial case management conference is adjourned sine die. The parties shall report every 60 days as to the status of the matter by means of a jointly composed letter. The first such letter will be due January 2, 2018. (Signed by Magistrate Judge Gabriel W. Gorenstein on 11/2/2017) (rj) (Entered: 11/02/2017)
01/02/2018	<u>28</u>	LETTER addressed to Magistrate Judge Gabriel W. Gorenstein from AUSA Michael J. Byars dated January 2, 2018 re: first status update (see ECF No. 27). Document filed by Department of Health and Human Services, Department of Justice, Department of Labor, Department of the Treasury.(Byars, Michael) (Entered: 01/02/2018)
02/02/2018	<u>29</u>	NOTICE OF CHANGE OF ADDRESS by Joshua Abraham Block on behalf of All Plaintiffs. New Address: American Civil Liberties Union, 125 Broad Street, Floor 18, New York, New York, United States 10004, 212-549-2593. (Block, Joshua) (Entered: 02/02/2018)
03/01/2018	<u>30</u>	LETTER addressed to Judge George B. Daniels from AUSA Michael J. Byars dated March 1, 2018 re: request to adjourn March 6, 2018 conference. Document filed by Department of Health and Human Services, Department of Justice, Department of Labor, Department of the Treasury.(Byars, Michael) (Entered: 03/01/2018)
03/05/2018	<u>31</u>	LETTER addressed to Magistrate Judge Gabriel W. Gorenstein from AUSA Michael J. Byars dated March 5, 2018 re: second status report (see ECF No. 27). Document filed by Department of Health and Human Services, Department of Justice, Department of Labor, Department of the Treasury.(Byars, Michael) (Entered: 03/05/2018)
03/06/2018	<u>32</u>	MEMO ENDORSEMENT on re: <u>30</u> Letter. ENDORSEMENT: The conference is adjourned to May 8, 2018 at 9:45 a.m. (Initial Conference set for 5/8/2018 at 09:45 AM before Judge George B. Daniels.) (Signed by Judge George B. Daniels on 3/6/2018) (jwh) Modified on 5/10/2018 (jwh). (Entered: 03/06/2018)
05/03/2018	<u>33</u>	LETTER addressed to Judge George B. Daniels from AUSA Michael J. Byars dated May 3, 2018 re: joint request to adjourn May 8 conference. Document filed by Department of Health and Human Services, Department of Justice, Department of Labor, Department of the Treasury.(Byars, Michael) (Entered: 05/03/2018)
05/04/2018	<u>34</u>	LETTER addressed to Magistrate Judge Gabriel W. Gorenstein from AUSA Michael J. Byars dated May 4, 2018 re: third status report (see ECF No. 27). Document filed by

		Department of Health and Human Services, Department of Justice, Department of Labor, Department of the Treasury.(Byars, Michael) (Entered: 05/04/2018)
05/07/2018	<u>35</u>	MEMO ENDORSEMENT on re: <u>33</u> Letter. ENDORSEMENT: The conference is adjourned to July 24, 2018 at 9:45 a.m. (Initial Conference set for 7/24/2018 at 09:45 AM before Judge George B. Daniels.) (Signed by Judge George B. Daniels on 5/7/2018) (jwh) Modified on 5/10/2018 (jwh). (Entered: 05/07/2018)
07/11/2018	<u>36</u>	LETTER addressed to Magistrate Judge Gabriel W. Gorenstein from AUSA Michael J. Byars dated July 11, 2018 re: fourth status report (see ECF No. 27). Document filed by Department of Health and Human Services, Department of Justice, Department of Labor, Department of the Treasury.(Byars, Michael) (Entered: 07/11/2018)
07/19/2018	<u>37</u>	LETTER addressed to Judge George B. Daniels from AUSA Michael J. Byars dated July 19, 2018 re: joint request to adjourn July 24 conference. Document filed by Department of Health and Human Services, Department of Justice, Department of Labor, Department of the Treasury.(Byars, Michael) (Entered: 07/19/2018)
08/07/2018	<u>38</u>	MEMO ENDORSEMENT on re: <u>37</u> Letter. ENDORSEMENT: The initial conference is adjourned to October 2, 2018 at 9:30 a.m. (Initial Conference set for 10/2/2018 at 09:30 AM before Judge George B. Daniels.) (Signed by Judge George B. Daniels on 7/19/2018) (jwh) (Entered: 08/07/2018)
09/07/2018	<u>39</u>	LETTER addressed to Magistrate Judge Gabriel W. Gorenstein from AUSA Michael J. Byars dated September 7, 2018 re: fifth status report (see ECF No. 27). Document filed by Department of Health and Human Services, Department of Justice, Department of Labor, Department of the Treasury.(Byars, Michael) (Entered: 09/07/2018)
09/26/2018	<u>40</u>	LETTER addressed to Judge George B. Daniels from AUSA Michael J. Byars dated September 26, 2018 re: joint request to adjourn October 2 conference and to stay case through January 2, 2019. Document filed by Department of Health and Human Services, Department of Justice, Department of Labor, Department of the Treasury.(Byars, Michael) (Entered: 09/26/2018)
09/27/2018	<u>41</u>	MEMO ENDORSEMENT on re: <u>40</u> Letter. ENDORSEMENT: The conference is adjourned to January 9, 2018 at 9:30 a.m. (Initial Conference set for 1/9/2018 at 09:30 AM before Judge George B. Daniels.) (Signed by Judge George B. Daniels on 9/27/2018) (jwh) (Entered: 09/27/2018)
09/27/2018		Case Stayed (jwh) (Entered: 09/27/2018)
12/27/2018	<u>43</u>	STANDING ORDER M10-468 The United States Attorney's Office shall notify the Court immediately upon the restoration of Department of Justice funding. (As further set forth in this Order.) (Signed by Judge Colleen McMahon on 12/27/2018) (cf) (Entered: 01/07/2019)
01/04/2019	<u>42</u>	LETTER addressed to Judge George B. Daniels from AUSA Michael J. Byars dated January 4, 2019 re: joint request to adjourn January 9 conference and to stay case through March 4, 2019. Document filed by Department of Health and Human Services, Department of Justice, Department of Labor, Department of the Treasury.(Byars, Michael) (Entered: 01/04/2019)
01/07/2019	<u>44</u>	MEMO ENDORSEMENT on re: <u>42</u> Letter, filed by Department of the Treasury, Department of Labor, Department of Justice, Department of Health and Human Services. ENDORSEMENT: The conference is adjourned to March 27, 2019 at 9:30 a.m. SO ORDERED. (Initial Conference set for 3/27/2019 at 09:30 AM before Judge George B. Daniels.) (Signed by Judge George B. Daniels on 1/7/2019) (jca) (Entered: 01/07/2019)
03/20/2019	<u>45</u>	LETTER addressed to Judge George B. Daniels from AUSA Michael J. Byars dated March 20, 2019 re: joint request to adjourn March 27 conference and to extend stay. Document filed by Department of Health and Human Services, Department of Justice, Department of Labor, Department of the Treasury.(Byars, Michael) (Entered: 03/20/2019)
03/20/2019	<u>46</u>	MEMO ENDORSEMENT on re: <u>45</u> Letter. ENDORSEMENT: The conference is adjourned to May 1, 2019 at 9:30 a.m. (Initial Conference set for 5/1/2019 at 09:30

		AM before Judge George B. Daniels.) (Signed by Judge George B. Daniels on 3/20/2019) (jwh) (Entered: 03/21/2019)
04/30/2019	<u>47</u>	PROPOSED STIPULATION AND ORDER. Document filed by Department of Health and Human Services, Department of Justice, Department of Labor, Department of the Treasury. (Byars, Michael) (Entered: 04/30/2019)
05/01/2019	<u>48</u>	STIPULATION AND ORDER: NOW, THEREFORE, the parties hereby stipulate and agree as follows: 1. Pursuant to Rule 41 (a)(2) of the Federal Rules of Civil Procedure, this action is hereby dismissed with prejudice and without costs or fees. SO ORDERED., Department of Labor, Department of the Treasury, Department of Health and Human Services and Department of Justice terminated. (Signed by Judge George B. Daniels on 5/1/2019) (rj) (Entered: 05/02/2019)
05/01/2019		Case Stay Lifted. (rj) (Entered: 05/02/2019)